

Appl. No. 10/511,498
Amdt. dated August 7, 2006
Reply to Office Action of April 11, 2006

REMARKS

Reconsideration of this application is respectfully requested. Applicants believe that consideration of this amendment is proper because they have attempted to comply with every requirement expressly set forth in the previous Office Action dated April 11, 2006 and believe the application is now in condition for allowance.

Applicants acknowledge with thanks the allowance of claim 21 in the present Office Action. Claims 1-25 are currently pending in this application.

Regarding the petition to correct inventorship, Applicants request that the inventorship be reconsidered. A proper petition is submitted under 37 C.F.R. 1.48.

Claims 1, 10, 12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel's U.S. Patent No. 5,653,797. Applicants respectfully traverse this rejection.

Patel fails to reveal the use of an internal binder. Applicant's amended claims now require an internal binder in independent claims 1 and 14. Even if it would have been obvious for one of ordinary skill to select the disclosed ranges, adding an internal binder would not be obvious from this reference. A prima facie case of obviousness cannot be established where the reference does not reveal each and every feature of the claimed

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invention. Applicants have traversed this rejection and respectfully request that it be withdrawn.

Claims 1-17, 20 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,673,144 to Immordino, Jr. et al. Applicants respectfully traverse this rejection.

This patent is prior art only under § 102(e). Under 35 U.S.C. § 103(c), if a reference qualifies as prior art only under 35 U.S.C. § 103(c), it shall not preclude patentability where the reference invention and the present invention were commonly owned at the time the present invention was made. U.S. Patent No. 6,673,144 and the present application are both assigned to United States Gypsum Co., and both inventions were subject to an obligation to assign to United States Gypsum Co. at the time the present invention was made. This is evidenced by the assignment filed with respect to each of these applications. Applicants have traversed this rejection and respectfully request that this rejection be withdrawn.

Claims 1-13 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,406,537 to Immordino. Applicants respectfully traverse this rejection.

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Claims 22-25 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite and failing to particularly point out and distinctly claim the invention. Claim 22 had been amended to read, in part, "the set product" in place of "the set and dried product". There is support in the specification on page 6, lines 18-23. Amendment of this claim renders this rejection moot, and Applicants respectfully request that it be withdrawn.

By the above arguments and amendments, Applicants believe that they have complied with all requirements expressly set forth in the pending Office Action. Issuance of a Notice of Allowance on the remaining allowed claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone

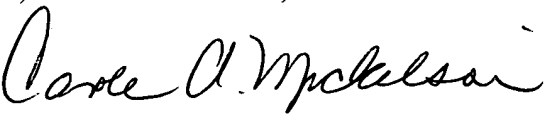
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interview, he is invited to contact Applicants' undersigned attorney at the telephone number
listed below.

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Respectfully submitted,

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